

**SUMMONS ISSUED**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
DANIELLE LARSON,

Plaintiff,

-against-

MRS ASSOCIATES,

Defendant(s).  
-----X

Civil Action No.:

LONG ISLAND OFFICE

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

**CV - 13 0381**

Plaintiff DANIELLE LARSON ("Plaintiff"), by and through her attorneys, M. Harvey Rephen & Associates, P.C., as and for its Complaint against the Defendant MRS ASSOCIATES, ("MRS"), (hereinafter referred to as "Defendant(s)"), respectfully sets forth, complains and alleges, upon information and belief, the following:

**INTRODUCTION/PRELIMINARY STATEMENT**

1. Plaintiff brings this action on her own behalf for damages and declaratory and injunctive relief arising from Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code ("U.S.C."), commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

**PARTIES**

2. Plaintiff DANIELLE LARSON, is a resident of the State of New York, residing at 140 Reiss Ave., Massapequa, NY 11762.

3. Defendant MRS ASSOCIATES is a New Jersey Corporation with their main office at 1930 Olney Avenue, Cherry Hill, NJ 08003.

4. Defendant is a "debt collector", as defined and used in the FDCPA under 15 U.S.C. § 1692a (6).

### **JURISDICTION AND VENUE**

5. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as well as 15 U.S.C. § 1692 et seq. and 28 U.S.C. § 2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. § 1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

### **FACTUAL ALLEGATIONS**

7. Plaintiffs repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, Defendant, on behalf of a third-party or itself as purchaser of the debt, began collecting an alleged consumer debt.

9. On information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communicating with the Plaintiff on May 2<sup>nd</sup>, 2012 by calling the phone of Alberto Reyes (516-567-6369) without leaving a message. The Defendant called from 516-708-4523.

10. Alberto Reyes called the number back that was on his phone and heard a prerecorded message that he had called MRS and that they were debt collectors.

11. The Defendant violated 15 U.S.C. § 1692c (b) thereafter by disclosing to a third party - Alberto Reyes that they were looking for the Plaintiff.

12. The Defendant further asked that Alberto Reyes inform the Plaintiff to call the defendant concerning an important business matter. Thereby violating 15 U.S.C. § 1692e(11) by failing to include the required disclosures in the message that the

Defendant was a debt collector, attempting to collect a debt, and any information obtained would be used for that purpose.

**FIRST CAUSE OF ACTION**  
**(Violations of the FDCPA)**

13. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "12" herein with the same force and effect as if the same were set forth at length herein.

14. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 U.S.C. § 1692e (11) and 15 U.S.C. § 1692c (b).

15. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

**DEMAND FOR TRIAL BY JURY**

16. Plaintiff DANIELLE LARSON hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff DANIELLE LARSON demands judgment from the Defendants MRS ASSOCIATES, as follows:

- A. For actual damages provided in, and pursuant to,  
15 U.S.C. § 1692k(a)(1);
- B. For statutory damages provided in, and pursuant to,  
15 U.S.C. § 1692k(2)(A);
- C. For statutory damages provided in, and pursuant to,  
15 U.S.C. § 1692k(2)(B);

- D. For attorneys' fees and costs provided in, and pursuant to,  
15 U.S.C. § 1692k(a)(3);
- E. A declaration that the Defendant's practices violated the FDCPA;
- F. For any such other and further relief, as well as further costs,  
expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York  
January 17<sup>th</sup>, 2013

Respectfully submitted,

By:   
M. Harvey Rephen, (MR3384), Esq.  
M. HARVEY REPHEN & ASSOCIATES, P.C.  
708 Third Avenue, 6th Floor  
New York, New York 10017  
Phone: (212) 796-0930  
Facsimile: (212) 209-7100

*Attorney for the Plaintiff Danielle Larson*

To: MRS  
1930 Olney Avenue,  
Cherry Hill , NJ 08003

(Via Prescribed Service)

Clerk,  
United States District Court, Eastern District of New York  
(For Filing Purposes)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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COMPLAINT

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